

REMARKS

(1) Claims 1-13 are pending in this application, of which claim 1 has been amended. No new claims have been added.

(2) Claims 1-13 were rejected under 35 U.S.C. §102(b) as being anticipated by Ono (JP 11-344829). Item 1 of the Office Action.

Claim 1 has been amended to recite the term “said colorant is a yellow colorant, a magenta colorant or a cyan colorant.” The amendment is supported at page 8, lines 24-26 of the specification.

Although Ono broadly teaches colorants in paragraph [0081], Ono discloses a working example using carbon black. *See* paragraph [0164]. Ono does not disclose any working examples using a yellow colorant, a magenta colorant, or a cyan colorant. Note that the specification describes that the extracted liquid of Examples Nos. 1-3 satisfied the claimed range whereas that of Comparative Examples Nos. 1-3 did not satisfy the claimed range. Comparative Examples in the specification prove that mere disclosure of employing a yellow colorant, a magenta colorant, or a cyan colorant in toner does not satisfy the claimed features. The claimed properties are not inherent in conventional toners such as disclosed by Ono. The toner of amended claim 1 is provided with excellent image-reproducibility and environmental durability, forming an image having a stable image density under a high temperature and high humidity. In

view of the above, the claimed toner is not anticipated by Ono using carbon black. Also note that because of the differences as explained above, the claimed toner is not obvious over Ono et al.

(3) Claims 1-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ono (JP 11-344829), and further in view of Kidokoro (U.S. Publication No. 2006/0172217).

Kidokoro reference (U.S. Patent Application Publication No. 2006/0172217) was published on August 3, 2006. Also note that the counterpart of Kidokoro reference, WO/2005/001579, was published on January 6, 2005.

The present application is a national stage application of PCT application No. PCT/JP2005/004453, which claims the priority of Japanese Application No. 2004-085076 filed on March 23, 2004.

The priority date of Japanese Application No. 2004-085076 antedates the earliest publication date of the Kidokoro reference. Instant claim 1-8 are supported at claims 1-8 of Japanese Application No. 2004-085076. Amended claim 1 in this Response is also supported at paragraph [0017] of Japanese Application No. 2004-085076. Instant claim 9 is supported at paragraph [0015] of Japanese Application No. 2004-085076. Instant claim 10 is supported at paragraph [0023] of Japanese Application No. 2004-085076. Instant claim 11 is supported at paragraph [0024] of Japanese Application No. 2004-085076. Instant claim 12 is supported at

paragraph [0025] of Japanese Application No. 2004-085076. Instant claim 13 is supported at paragraph [0030] of Japanese Application No. 2004-085076. Since instant claims are described in Japanese Application No. 2004-085076 filed on March 23, 2004, the Kidokoro reference should be removed from prior art. Reconsideration of the rejection is respectfully requested.

The Applicant is currently preparing a verified translation of Japanese Application No. 2004-085076, which will be filed soon.

(4) In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date. If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No. 10/593,396
Art Unit: 1795

Amendment under 37 C.F.R. §1.111
Attorney Docket No. 071854

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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